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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

### In re Application of:

Peery et al.

Serial No.: 10/645,293

Filed: August 20, 2003

For: SUSTAINED DELIVERY OF AN  
ACTIVE AGENT USING AN  
IMPLANTABLE SYSTEM

Confirmation No.: 7202

Examiner: J. Spear

Group Art Unit: 1615

Attorney Docket No.: 3139-6185.6US  
(ARC 2437 CON 6)

### CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

June 20, 2005  
Date



Signature

Jessica Moon  
Name (Type/Print)

### SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and the documents listed on attached Form PTO/SB/08 be considered by the Examiner and made of record. Pursuant to M.P.E.P. 609 III A(2), copies of U.S. patents are not being provided. Copies of foreign patent documents and non-patent literature are enclosed pursuant to 37 C.F.R. § 1.98(a)(2).

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In accordance with 37 C.F.R. § 1.97(g) and (h), filing of this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made or an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b). Further, no representation is made by Applicants herein that no other possible material information as defined in 37 C.F.R. § 1.56 (b) exists.

U.S. Patent Documents

<u>U.S. Patent No.</u>	<u>Publication Date</u>	<u>Patentee</u>
US - 3,797,492	03/19/1974	Place
US - 4,008,719	02/22/1977	Theeuwes et al.
US - 4,915,954	04/10/1990	Ayer et al.
US - 5,151,093	09/29/1992	Theeuwes et al.
US - 5,209,746	05/11/1993	Balaban et al.
US - 5,234,695	08/10/1993	Hobbs et al.
US - 5,279,608	01/18/1994	Cherif Cheikh
US - 5,318,558	06/07/1994	Linkwitz et al.
US - 5,320,616	06/14/1994	Magruder et al.
US - 5,336,057	08/09/1994	Fukuda et al.
US - 5,456,679	10/10/1995	Balaban et al.
US - 5,795,591	08/18/1998	Lee et al.
US - 5,830,501	11/03/1998	Dong et al.

Other Documents

LUFT, G., et al., "Electro-osmotic valve for the controlled administration of drugs," Medical & Biological Engineering & Computing, pp.45-50, Jan. 1978.

UHLIG, E.L.P., et al., "The electro-osmotic acutation of implantable insulin micropumps," Journal of Biomedical Materials Research, vol. 17, pp. 931-943, 1983.

Applicants offer to supply any explanation or discussion of the documents which the Examiner feels is necessary or desirable and which is requested.

This Supplemental Information Disclosure Statement is filed after the mailing date of the first Office Action on the merits.

The fee pursuant to 37 C.F.R. § 1.17(p) is enclosed.

Respectfully submitted,



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Date: June 20, 2005

ERC/ps:jm

Enclosures: Form PTO/SB/08

Copy of non-U.S. Patent documents cited  
Check No. 7921 in the amount of \$180.00

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PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

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of 2

Attorney Docket Number

***Complete if Known***

Application Number	10/645,293
Filing Date	August 20, 2003
First Named Inventor	Peery et al.
Group Art Unit	1615
Examiner Name	J. Spear

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of 2

Attorney Docket Number

## U.S. PATENT DOCUMENTS

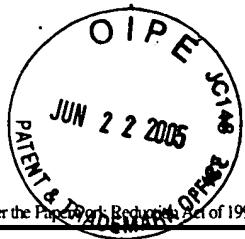
## FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered	
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**\*EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Examiner Name	J. Spear
Attorney Docket Number	3139-6185 61US (ARC 2437 CON6)

### NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		LUFT, G., et al., "Electro-osmotic valve for the controlled administration of drugs," Medical & Biological Engineering & Computing, pp.45-50, Jan. 1978.	
		UHLIG, E.L.P., et al., "The electro-osmotic actuation of implantable insulin micropumps," Journal of Biomedical Materials Research, vol. 17, pp. 931-943, 1983.	

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